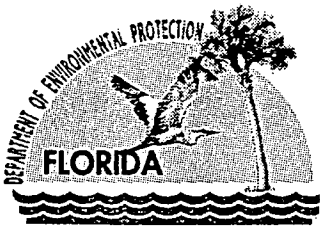


000726-11

FILE 36-01023-W



Jeb Bush
Governor

Department of Environmental Protection

David B. Struhs
Secretary

CERTIFIED NO.: 7001 1140 0002 1571 2226

May 19, 2003

RECEIVED

MAY 21 2003

Bill Morris, P.E.
Morris-Depew Associates Incorporated
2216 Altamont Avenue
Fort Myers, Florida 33901

ENV RES REGULATION

Dear Mr. Morris:

RE: Bonita Grande Rock and Sand Company
Bonita Farms I and II
Environmental Resource Permit

Enclosed is Individual Environmental Resource Permit, Permit No. 0166246-001 issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code. Any party to the Order (Permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about this document, please contact me at (850) 488-8217.

Sincerely,

Alan Whitehouse
Environmental Specialist

cc: DEP, South District, SLERP
DEP, South District, Industrial Waste
Department of Community Affairs
South Florida Water Management District, Donna Moscone (WUP)
Lee County
File

REPLY TO: Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, FL 32310-3760 850/488-8217

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SCED



Jeb Bush
Governor

Department of Environmental Protection

David B. Struhs
Secretary

ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Samuel and Connie Hubschman, Trustees
Bonita Grande Rock and Sand Company
25501 Bonita Grande Drive
Bonita Springs, Florida 34135

Permit/Authorization No. 0166246-001

Date of Issue: May 19, 2003

Expiration Date of Construction Phase:
May 19, 2023

County: Lee

Project: Bonita Farms I and II

AGENT:

Bill Morris, P.E.
Morris-Depew Associates Incorporated
2216 Altamont Avenue
Fort Myers, Florida 33901

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act. This permit also constitutes certification compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above-named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of this permit.** You are advised to read and understand these drawings and conditions prior to commencing the

REPLY TO: Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, FL 32310-3760 850/488-8217

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authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification, as specifically described below.

ACTIVITY DESCRIPTION:

The project is for the expansion of limerock mining activities at the Bonita Farms I and II Mine through the modification of a previously approved environmental resource permit (ERP) to increase allowable mining depth from -42.5 feet to -75.5 feet National Geodetic Vertical Datum (NGVD). No other expansions to the previously approved mine plan are proposed.

The mining was originally permitted by the South Florida Water Management District (SFWMD) in April, 1982. The mine is currently operating under ERP No. 36-00764-S issued by SFWMD on January 21, 2002. The permit authorized the construction and operation of a surface water management system serving 985 acres. The total property area is 1,279 acres. The project will create two reclaimed lakes, 424.78 and 125.65 acres with littoral zone shorelines sloped 1 foot vertical for every 6 feet horizontal. As mitigation for previous adverse wetland impacts at the mine, the permittee has created 128.9 acres of wetland marshes on site. No changes to the existing wetland mitigation, wetland vegetation monitoring, or previously approved mitigation success criteria are proposed by this modification. All of the proposed mining will be subject to the mandatory reclamation requirements of Chapter 62C-36 F.A.C.

Dewatering at the mine was previously approved in SFWMD Water Use Permit (WUP) No. 36-01023-W. Under the proposed ERP modification there will be no further dewatering. Stormwater management will also be altered by the installation of modified risers on each of five mine outfall pipes, in order to contain all stormwater up to the 25-year 3-day event. The estimated life of the mine is twenty years. The construction phase of this permit expires in twenty years. The postreclamation land types will include lake, wetlands, and pasture.

ACTIVITY LOCATION:

The project is located on the east side of Bonita Grande Drive in Bonita Springs, 1.5 miles east of Interstate Highway 75, in Lee County, Sections 17 and 20, Township 47 South, Range 26 East.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in rule 40E-4.091, F.A.C., unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. When the duration of mining construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an Annual Status Report Form. Status Report Forms shall be submitted the following February 1 of each year.
5. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Construction Certification Form No. 62-343.900(5). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection.

Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

6. The operation phase of this permit shall not become effective until: the permittee has complied with the requirements of General Condition No. 5 above, has submitted a Request for Conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 62-343.900(7); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.
7. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
8. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for

carrying out maintenance and operation of the permitted system and any other permit conditions.

9. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
10. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.
11. The permittee is hereby advised that section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
12. The permittee must obtain a water use permit prior to construction dewatering, unless the work qualifies for a general permit, pursuant to rule 40E-20.302(4), F.A.C., also known as the "No Notice" rule.
13. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
14. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
15. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rules 40E-1.6105 and 40E-1.6107, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

16. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
17. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department.
18. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

1. **Permit Compliance.** The purpose of this permit is to authorize the creation of a surface water management system on certain described lands within the jurisdiction of the Department. In exchange for this authorization, the permittee is obligated to perform certain acts that are described herein. A material part of the reasonable assurances the Department is relying upon in issuing this permit is that the permittee will timely and completely implement all of the conditions of this permit. The permittee understands that its failure to completely and timely comply with all of the conditions of this permit may result in a revocation or suspension of the permit and, if appropriate, that the area be restored.
2. **Submittals.** Unless otherwise specified, all notices, plans, draft easements, reports or other documents or information required to be submitted to the Department in this permit shall be submitted to:

Florida Department of Environmental Protection
Bureau of Mine Reclamation
2051 East Dirac Drive, Tallahassee, Florida 32310-3760
(850) 488-8217, facsimile (850) 488-1254.

3. **"Good Cause" Rule.** The permittee is hereby advised that rule 62-343.100(1)(c), F.A.C., provides that for good cause and after notice to the permittee, the Department may require the permittee to conform to new or additional conditions to this permit. Circumstances that constitute "good cause" shall include any of the situations listed in the referenced rule.
4. **Above-Ground Containment.** On-site dams, including stormwater ponds, dredge pond dikes, or tailings disposal area dikes should not store flowable liquid more than 4 feet above natural grade. All water management structures shall be constructed of clean fill, devoid of materials or vegetation that could allow water to be piped through the structure. Vegetated structures should be mowed annually. Topsoil storage piles or berms constructed as safety barriers shall not be utilized to store flowable liquid, but may be used to divert stormwater to

sumps. Water deeper than one foot above grade shall be pumped away from these structures as expeditiously as possible.

5. **Maximum Mining Depth.** In order to prevent the transfer of interaquifer waters at the project site, all earth disturbing activities, including mining and drilling shall be limited to a maximum depth of -75.5 feet National Geodetic Vertical Datum (NGVD), or to the top of the confining layer (Bonita Springs Marl Member), whichever is shallower. As an attachment to the Annual Mining Report required by General Condition 4, the permittee shall include a statement from a Florida-licensed professional that, based on a bathymetric analysis of the area mined during the preceding year, the permittee has not exceeded the maximum allowable depth.
6. **Wetland Hydrological Monitoring.** The permittee shall do the following as part of the reasonable assurance that the impacts of the activity, considering its nature, the size of the system, and any required mitigation, can be accurately assessed, and offset where appropriate, and the terms of the permit can be met for the duration of the permit:
 - a. The permittee shall establish additional piezometers at the four monitoring stations depicted on Exhibit 2. Water levels at the four monitoring stations shall be monitored on a bi-weekly (every two weeks) frequency during the wet season (June 1 through October 1) and on a monthly frequency during the dry season (the rest of the year) as close to the same calendar day as possible.
 - b. Rainfall shall be monitored on a daily basis from a rain gauge established on the mine site.
 - c. Annual Hydrologic Reports should be provided to the Department, in conjunction with the annual mining reports. A tabular and graphical comparison of wetland water levels with the nearest rainfall data, should be provided in the report. Water quality sampling results from the mine outfall should be provided, if any. Any vegetational or hydrological indicators of impacts to any of the preserved wetlands, positive or negative, should be fully discussed in the report. The report should provide detailed or conclusionary statements on how unmined or undisturbed wetlands on the project site are being affected by the nearby mining operations in regard to regional conditions. The report should be signed, sealed and dated by a Florida-licensed professional.
7. **Best Management Practices.** Prior to stockpiling material, waste, or overburden in the vicinity of a wetland or other surface water; or conducting any other earth disturbing activity in the vicinity of a wetland or other surface water, the permittee shall implement measures to

protect on-site and off-site wetlands and other surface waters from turbidity and sediment.

- a. The permittee shall instruct all personnel associated with the project that earth-disturbing activities, including the stockpiling of material or waste, shall not occur adjacent to wetlands or other surface waters where turbidity and sediment control devices are not present.
 - b. Best management practices for turbidity and erosion control shall be implemented and maintained, during earth disturbing activities adjacent to wetlands or other surface waters, to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Chapter 62-302, F.A.C. Staked filter cloth, staked hay bales, or other turbidity and sediment control devices shall be installed, where appropriate. The toe of each staked filter cloth shall be buried and panels shall have at least a three-foot staked overlap area. All turbidity and sediment control devices shall be installed prior to the disturbance. All turbidity and sediment control devices shall be maintained until disturbed areas have sufficiently stabilized and vegetated to prevent water quality violations, or the movement of sediment into the wetlands or other surface waters.
 - c. Mining operation areas shall be surrounded by a berm capable of containing a 25-year, 3-day storm event, during an emergency contingency. In the vicinity of wetlands or other surface waters, the construction of this or other berms shall only occur upland to turbidity and sediment control devices.
 - d. Berms and other disturbed areas adjacent to wetlands or other surface waters shall be seeded, mulched, sodded or appropriately treated to facilitate the rapid growth of vegetation and stabilization of the area.
 - e. All berms shall be removed as part of the final reclamation of each area.
8. **Discharge Turbidity Monitoring.** All stormwater shall be contained within the mine, up to a 25-year, 3-day storm event. No water pumped from an active pit shall directly discharge off the project area. A turbidity monitoring station shall be established 50 feet downstream from the final water control structures depicted on Figure 5. Daily turbidity readings shall be taken at the monitoring station whenever the mine is discharging water. If monitoring reveals levels downstream from the discharge point in excess of 29 Nephelometric Turbidity Units (NTU's) of the background levels, the permittee shall immediately comply with Specific Condition No. 10.

Florida law requires reporting of oil and hazardous substances spills. Immediately report such spills to the Department's Division of Law Enforcement, Bureau of Emergency Response, State Warning Point 800/320-0519, available 24 hours a day.

9. **Water Quality Standards.** Water discharged from the project area shall achieve the water quality standards of Chapter 62-302, F.A.C., for Class III waters at the point where the water leaves the project area.

10. **Procedures In The Event Of A Water Quality Violation.** The following measures shall be taken immediately by the permittee whenever the water quality levels at a monitoring station, or any water leaving the project area violates state water quality standards established pursuant to Chapter 62-302, F.A.C.:

- a. cease all work contributing to the water quality violation;
- b. modify the work procedures that were responsible for the violation, and repair any non-functioning containment devices;
- c. notify the Department of the time the violation is first detected, the extent of the violation, and the corrective measures that have been and will be implemented. This notice shall be provided before the end of the next business day; and
- d. continue monitoring at 8-hour intervals until samples no longer violate water quality standards.

11. **Conservation Easement.** As a part of the reasonable assurance provided to mitigate for the previous wetland impacts associated with this permit, the permittee has provided a conservation easement for the long-term protection of 236.57 acres of wetlands at the mine site, as recorded in Public Records of Lee County, Book 03914, Pages 3798 through 3846.

Within 6 months of permit issuance, the permittee shall clearly demarcate the surveyed boundary of the Conservation Lands with posted signs every 500 feet. The signs shall state the following in both English and Spanish: *"This is a Conservation Easement Area established pursuant to section 704.06, F.S. The purpose of this conservation easement is to preserve this land in its natural condition. Any activities which affect the natural condition of this easement should be reported to the Department of Environmental Protection."*

12. **Revegetation Of Disturbed Uplands.** Uplands shall be established in the following manner:

- a. Revegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which the final contours are established in an area and revegetation activities would not interfere with mining operations.

- b. Mulching, contouring, and other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation, the permittee shall repair the eroded areas and stabilize the slopes.
- c. The planting of native trees within the uplands to meet the reclamation performance standards of Chapter 62C-36, F.A.C., will not be inconsistent with this permit.

13. Shoreline Treatments. Where required by the reclamation standards of Chapter 62C-36, F.A.C., the permittee shall create sloped littoral zone wetlands around the mine pits. These lake littoral zone wetlands shall be created in the following manner:

- a. The contouring for the treatment of final shorelines shall be initiated and completed no later than one year after the calendar year in which the length and final location of the shoreline is established and other mining operations have ceased in the area. The permittee may request a waiver of this requirement for any reasonable length of time when necessary to prevent the unacceptable contamination of the resource being extracted.
- b. The shorelines shall be constructed as shown in the cross section depicted on Drawing No. 6.
- c. Revegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which the final contours are established in an area and revegetation activities would not interfere with mining operations.
- d. The wetland revegetation within the lake littoral zone shorelines is not subject to the mitigation requirements of this permit, and is not considered a part thereof. The planting of the shorelines with native plants and trees to meet the reclamation performance standards of Chapter 62C-36, F.A.C., will not be inconsistent with this permit.

14. Mitigation Criteria and Vegetation Monitoring.

The existing wetland mitigation plans and release criteria previously approved by SFWMD in ERP number 36-00764-S remain unchanged by this modification. The wetland vegetation monitoring approved in accordance with the SFWMD permit also remains unchanged. Future vegetation monitoring reports shall be sent to the Bureau of Mine Reclamation.

15. Permit Release Procedures. The procedures for requesting a release determination and guidelines for the Department's response are provided herein:

- a. The permittee may notify the Department whenever the permittee believes the permit conditions have been met. This notice shall be sent by certified mail addressed to Chief, Bureau of Mine Reclamation.
- b. The notice shall include a copy of the most recent annual vegetation and hydrologic reports, and a narrative describing how the reported data support the contention that each of the release criteria have been met. The permittee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspection to determine whether the criteria are met.
- c. Within 120 days of receipt of this notice, the Department shall notify the permittee by certified mail that the Department determined one of the following:
 - 1) that the permit conditions have been completed; or
 - 2) that the permit conditions have not been completed, identifying specifically those elements that do not meet the release criteria; or
 - 3) that the permit conditions cannot be determined at this time, identifying specifically the information lacking that prevents the determination from being made.
- d. The Department will make every effort to meet the time line prescribed above. When the Department notifies the permittee that the permit conditions have been met, or, if the Department fails to notify the permittee within the time period prescribed by this condition, then the permittee's monitoring, maintenance, reporting, and other obligations under the terms of the permit shall be deemed satisfied for that particular area.

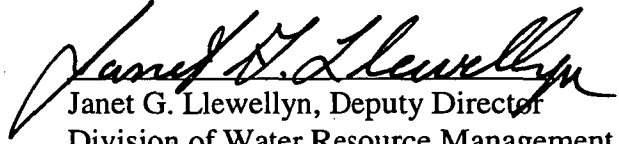
16. Conversion To Operations Phase. The procedures for requesting a conversion of this permit from the construction phase to the operation phase and guidelines for the Department's response are provided herein. All documentation shall be submitted to the Department by certified mail addressed to Chief, Bureau of Mine Reclamation.

- a. Within 30 days of the completion of construction of the system (including final grading and reclamation) the permittee shall submit the following:
 - 1) a copy of the most recent annual report, and a narrative describing how the reported data support the contention that each of the permit conditions have been met;

- c. Vegetation and water level monitoring reports shall be provided to the Department by February 1 of each year as an attachment to the "Annual Status Report Form" [Form No. 62-343.900(4), F.A.C.], required by General Condition 4.
- d. Each monitoring report shall include documents containing the following information:
 - 1) permit number;
 - 2) a statement describing the methods used in collection, handling, storage and analysis of the samples;
 - 3) a map indicating the sampling locations;
 - 4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data; and
 - 5) a certification on the cover page of the following statement by the individual who supervised preparation of the report: "This report represents a true, accurate, and representative description of the site conditions present at the time of monitoring."
- f. Monitoring reports shall also include the following information for each sample that is taken:
 - 1) time of day samples taken;
 - 2) direction of flow;
 - 3) depth of water body;
 - 4) depth of sample;
 - 5) antecedent weather conditions; and
 - 6) wind direction and velocity.
- g. The hydrology monitoring report shall provide a tabular and graphical comparison of all monitored water levels with the on-site, daily rainfall data.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Janet G. Llewellyn, Deputy Director
Division of Water Resource Management
2051 East Dirac Drive
Tallahassee, Florida 32310-3760
850/488-8217

Copies furnished to:

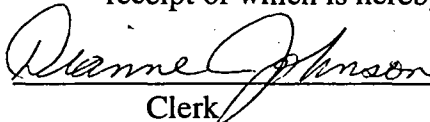
DEP, South District, SLERP
DEP, South District, Industrial Waste
Department of Community Affairs
South Florida Water Management District, Donna Moscone (WUP)
Lee County
File

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit,
including all copies was mailed before the close of business
on May 19, 2003, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date pursuant to 120.52,
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

 5/19/03
Clerk Date

Prepared by: Alan Whitehouse

Attached: 7 pages

SCANNED

LEGEND



IMPROVED PASTURE (FLUCFCS 211)



PRESERVE AREA (FLUCFCS 821/841)



BORROW AREA (FLUCFCS 741)



SECTION CORNER

EQUIPMENT AREA BOUNDARY (APPROX.)

LAKE BOUNDARY (PROPOSED)



SCALE 1" = 400'

REDUCED COPY
NOT TO SCALE

M. WILLIAM MORRIS, JR.
P.E. 00043

REVISIONS

MORRIS - DEREW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2116 Alameda Avenue • Fort Myers, Florida 33901 • (941) 337-3893 • (941) 337-3894



FL. CA. NO. 8532

POST-RECLAMATION PLAN

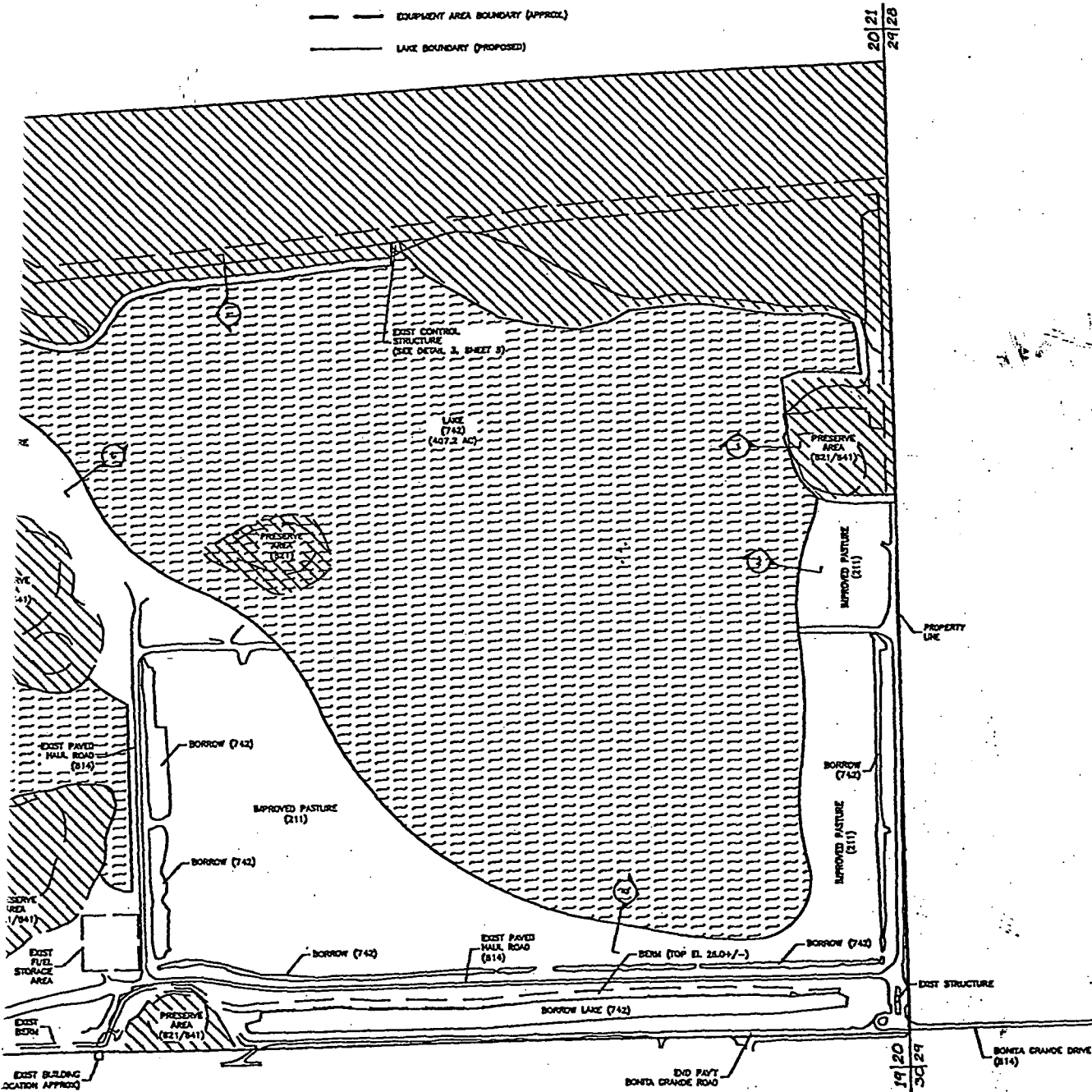
BONITA GRANDE SANDE, INC.
BONITA FARMS I & II
Bonita Springs, Florida

MCA PROJECT:
02026

DESIGNED BY: BM DRAWN BY: LJO

DATE:
04/01/2003

SHEET
6 OF 6

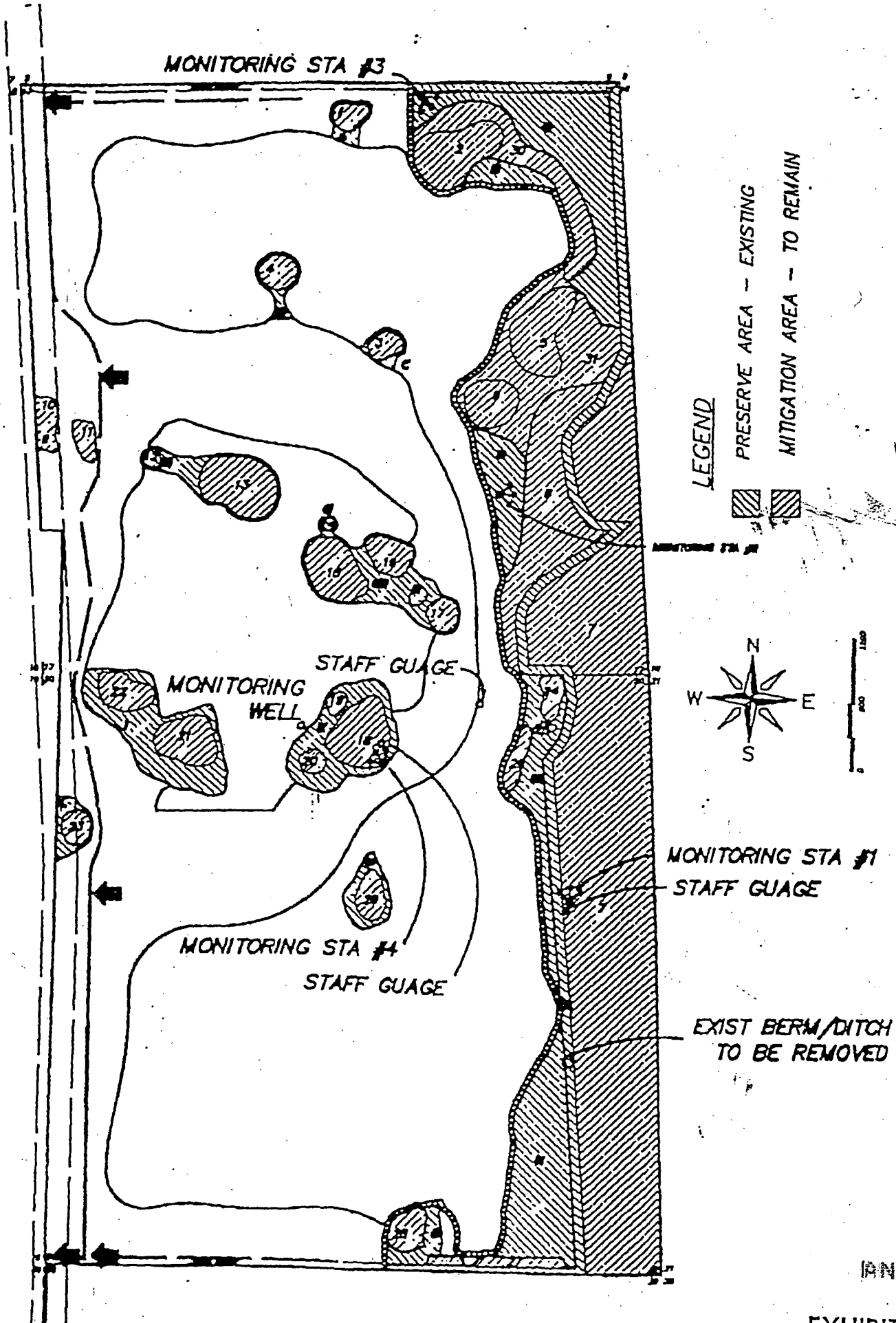


Addendum to Mitigation, Monitoring & Maintenance Plan

To provide monitoring of the hydrological conditions of the wetland mitigation areas, the following actions will be conducted:

1. Install three (3) water table piezometers in the place of the three (3) staff gauges shown in the attached Exhibit II.
2. Water levels at the three (3) piezometers shall be monitored on a bi-weekly (every two weeks) frequency during the wet season (June 1 - October 1) and a monthly frequency during the dry season (the rest of the year) as close to the same calendar day as possible.
3. Rainfall amounts shall be monitored on a daily basis at the project site.
4. A tabular and graphical comparison of the water level data with the rainfall data shall be provided in the Annual Monitoring Reports to the Department.

D:\WPDOCS\Paul\BTA\FRM-1\RAI dated 12-9-02.wpd



BONITA FARMS I AND II

ANNEX

EXHIBIT II



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

36-61023-W

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

April 4, 2001

Bonita Grande Sand Company
25501 Bonita Grande Drive
Bonita Springs, FL 34135

Subject: Application No. 000726-11, **Bonita Grande Sand Company**
Lee County, S17,20/T47S/R26E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on **April 12, 2001**.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Jennifer Krumlauf, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee this 4th day of April, 2001 in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

Kenneth G. Ammon, P.E.
Director
Water Supply Division

CERTIFIED #7000 0600 0025 9428 2636
RETURN RECEIPT REQUESTED

GOVERNING BOARD

Michael Collins, *Chairman*
Michael D. Minton, *Vice Chairman*
Mitchell W. Berger

Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason

Nicolas J. Gutierrez, Jr.
Harkley R. Thornton
Trudi K. Williams

EXECUTIVE OFFICE

Frank R. Finch, P.E., *Executive Director*
James E. Blount, *Chief of Staff*

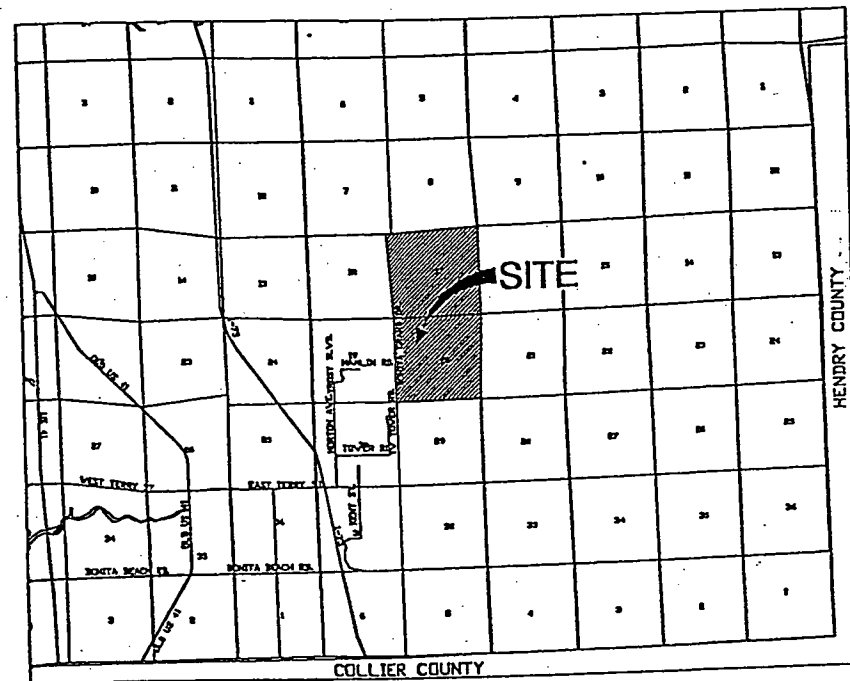
MAILED

000726-11

BONITA FARMS I & II

SECTION 20 TOWNSHIP 47 S, RANGE 26 E, &
SECTION 17 TOWNSHIP 47 S, RANGE 26 E,
LEE COUNTY, FLORIDA

[Signature]
L. Morris, Surveyor
FL 33543



SHEET INDEX

NUMBER

COVER SHEET
AERIAL WITH BOUNDARY
SITE AND EXCAVATION PLAN
TEMPORARY EQUIPMENT AREA PLAN
OUTFALL STRUCTURE MODIFICATION DETAIL
POST-RECLAMATION PLAN

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5
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MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2216 ALTAMONT AVE. • FT. MYERS, FL 33901 • (941) 337-3993 (FAX) 337-3994

CERTIFICATE OF AUTHORIZATION NO. 6532

REVISIONS:

SFWMD PERMIT NO.
36-00764-S

JOB NO.
02026

SET DATE
08/13/02

RECEIVED
PRINTED

BONITA FARMS I & II (MDA# 02026)

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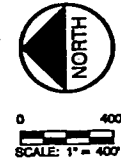
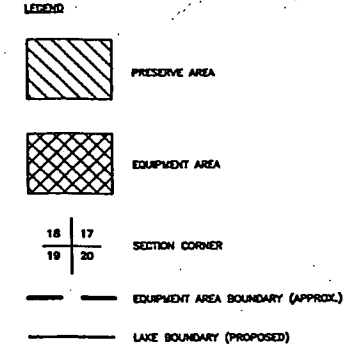
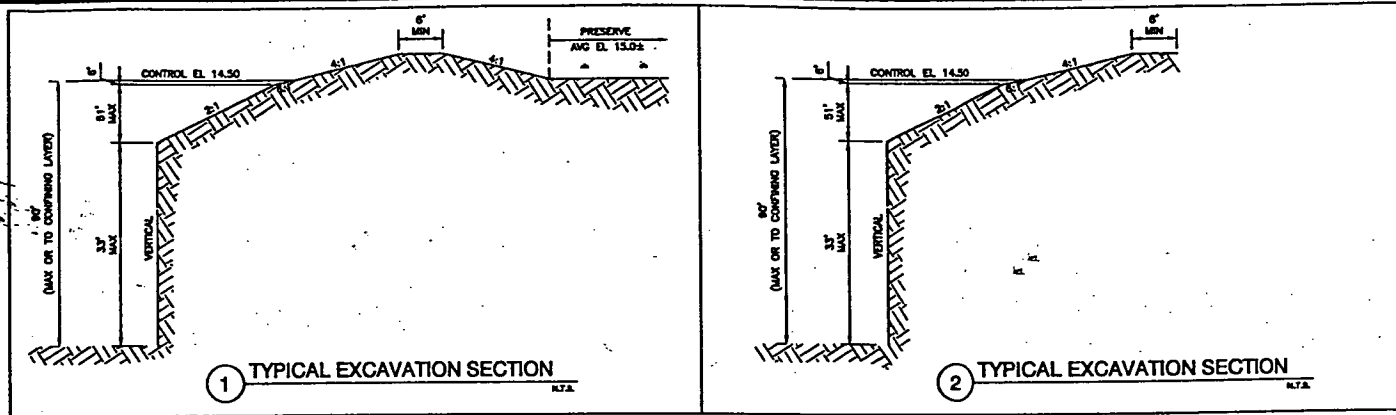


PHOTOGRAPH DATE: APRIL 2002

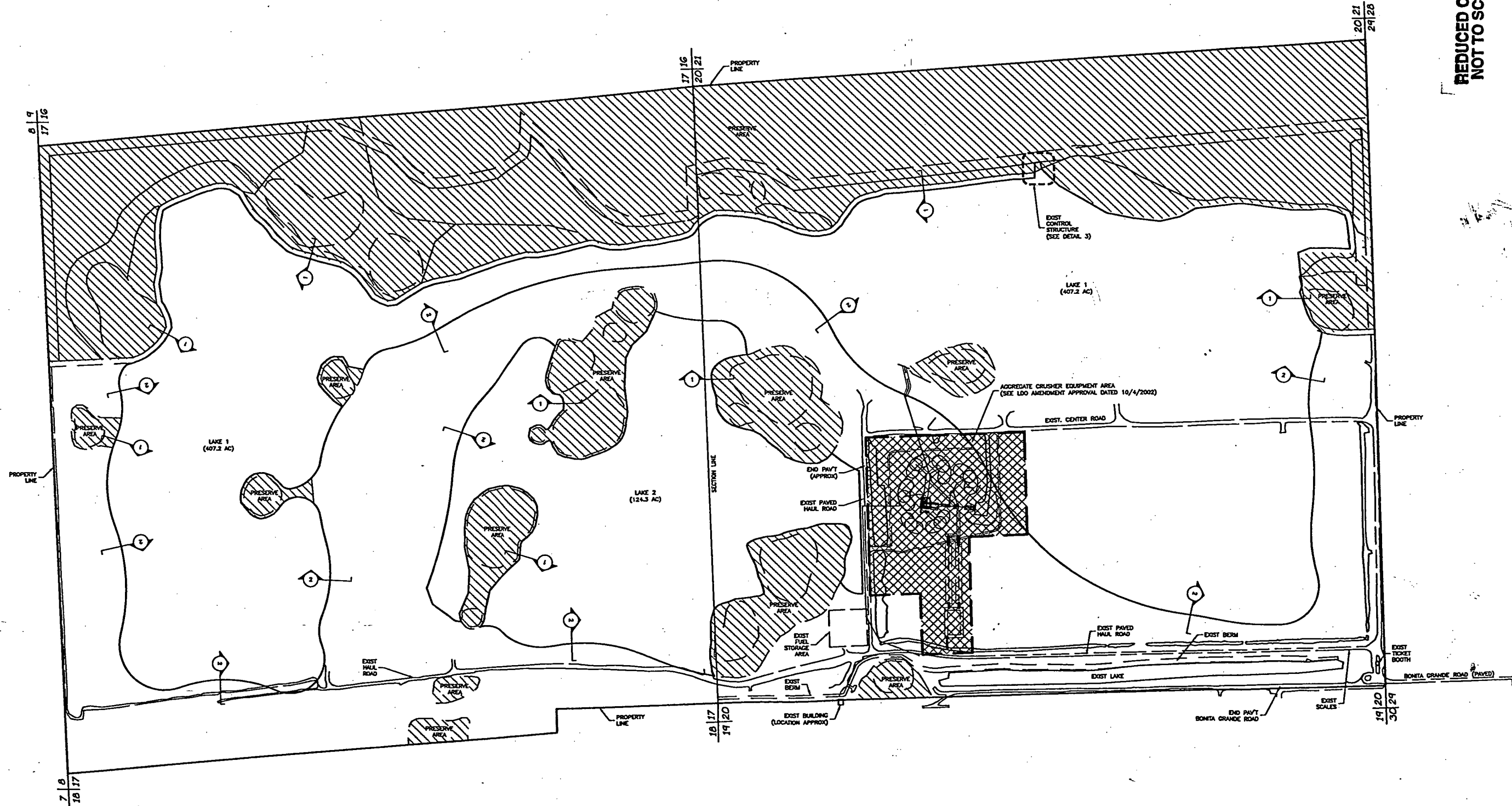
AERIAL PHOTOGRAPH		MD		MORRIS - DEWE ASSOCIATES, INC. ENGINEERS • PLANNERS • SURVEYORS & MAPPERS 2211 Almond Avenue • Fort Myers, Florida 33901 • (813) 337-3951 • (704) 337-3951 FL. C.A. NO. 9332	
SECTIONS 17, 20, TOWNSHIP 47S, RANGE 26 E					
BONITA GRANDE SANDE, INC.					
BONITA FARMS I & II Bonita Grande, Florida					
SIX PROJECT: 02026					
DESIGNED BY: BM	DRAWN BY: BM				
DATE: 03/04/2003					
SHEET 2					

[Handwritten signature]

SCANNED



REDUCED COPY
NOT TO SCALE



SITE AND EXCAVATION PLAN
BONITA GRANDE SANDE, INC.
BONITA FARMS I & II
Bonita Springs, Florida

MDA PROJECT:
02026
DESIGNED BY:
BM
DRAWN BY:
LJO
DATE:
02/28/2003
SHEET
1

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
2118 Alameda Avenue - Fort Myers, Florida 33901 - (941) 337-3933 • (FW) 337-3941
FL. CO. NO. 6533

REVISIONS

M. WILLIAM MORRIS, JR.
PE 65343

MD

SCANNED



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MD
MORRIS • DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2215 Alameda Avenue • Fort Worth, Texas 76101 • (817) 337-5351 • (214) 337-3994

BONITA FAF
Bonita Springs, Florida

MGA PROJECT: 02026	
DESIGNED BY: BM	DRAWN BY: LJO
DATE: 08/13/02	
SHEET	

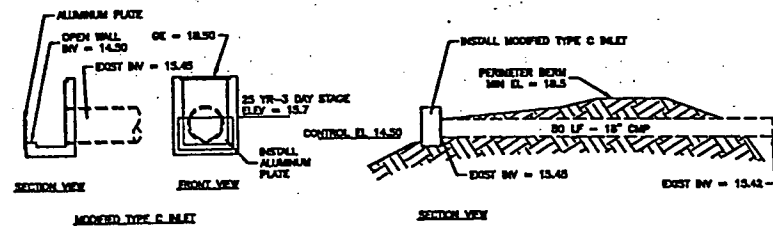
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ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2718 Alcantara Avenue • Fort Myers, Florida • 33901 • (941) 337-3993 • (714) 337-3994

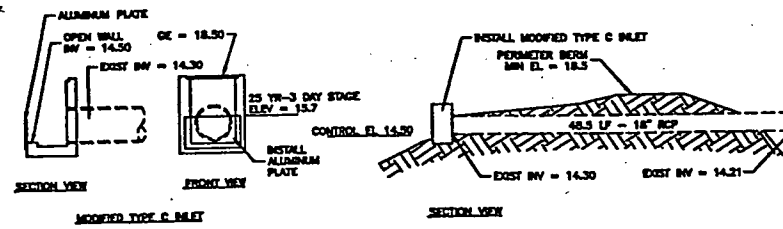
FL CA NO. 0532

M. WILLIAM MORRIS, JR.
PE 85543

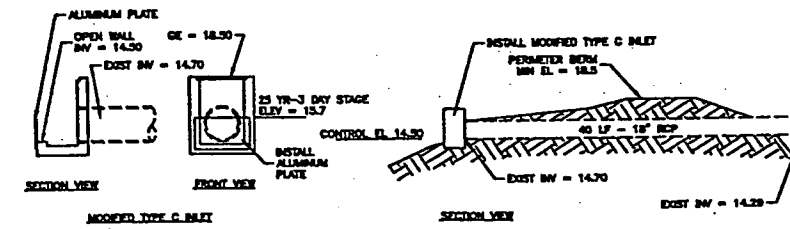
PE 85943



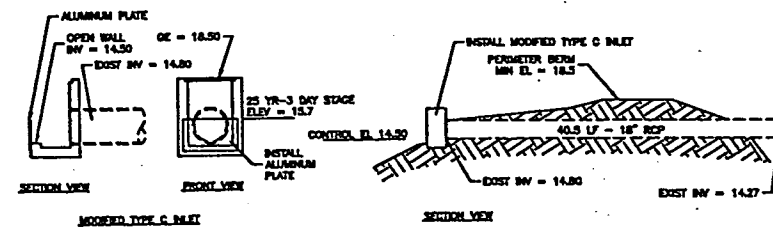
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NORTH PIPE



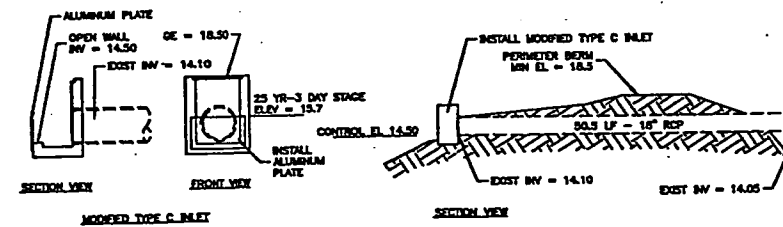
PIPE NO. 2
SECOND PIPE FROM NORTH



PIPE NO. 3
THIRD PIPE FROM NORTH



PIPE NO. 4
FOURTH PIPE FROM NORTH



PIPE NO. 5
SOUTH PIPE

- NOTES:
1. CONSTRUCT ONLY DRAIN WALLS IN EACH STRUCTURE (TYP).
 2. ALUMINUM PLATE MUST HAVE PROLOGUE TO PREVENT UNAUTHORIZED DISCHARGE BELOW 25 YEAR - 3 DAY EXIST (EL. 14.7).
 3. ALUMINUM PLATES WILL REMAIN INSTALLED ON STRUCTURES UNLESS AGGREGATE PROCESSING IS ACTIVE AND ON-SITE TURBIDITY CONDITIONS EXIST THAT WOULD VIOLATE WATER QUALITY STANDARDS FOR DISCHARGE.
 4. OPERATING CONDITIONS FOR REMOVAL OF THE ALUMINUM PLATE WILL BE AS PER FDEP PERMITS.
 5. EXISTING PIPE MATERIALS, LENGTHS, AND SPACERS ARE BASED ON CERTIFIED INFORMATION PREPARED BY BRUNS & BRUNS, INC. (D.S. NO. 4320).

REDUCED COPY
NOT TO SCALE

3 CONTROL STRUCTURE MODIFICATION DETAIL
KSA

OUTFALL STRUCTURE MODIFICATION DETAIL

BONITA GRANDE SANDE, INC.
BONITA FARMS I & II
Bonita Springs, Florida

MDA PROJECT:
02026
DESIGNED BY: BM
DRAWN BY: LJO
DATE:
04/01/2003
SHEET

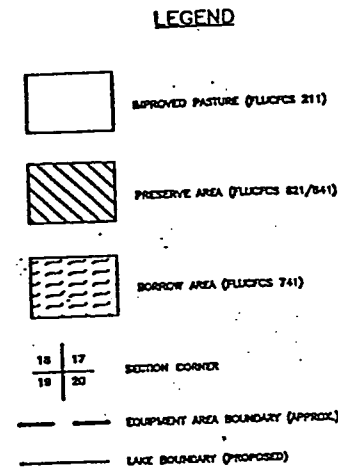
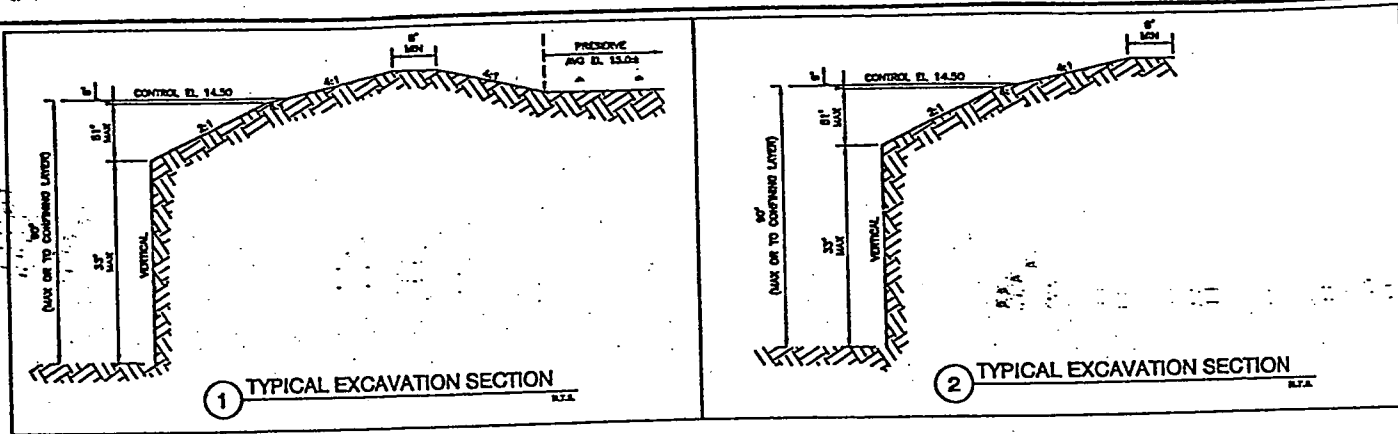
MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
2110 Main Street • Fort Myers, Florida 33901 • (941) 337-3863 • (941) 337-3864



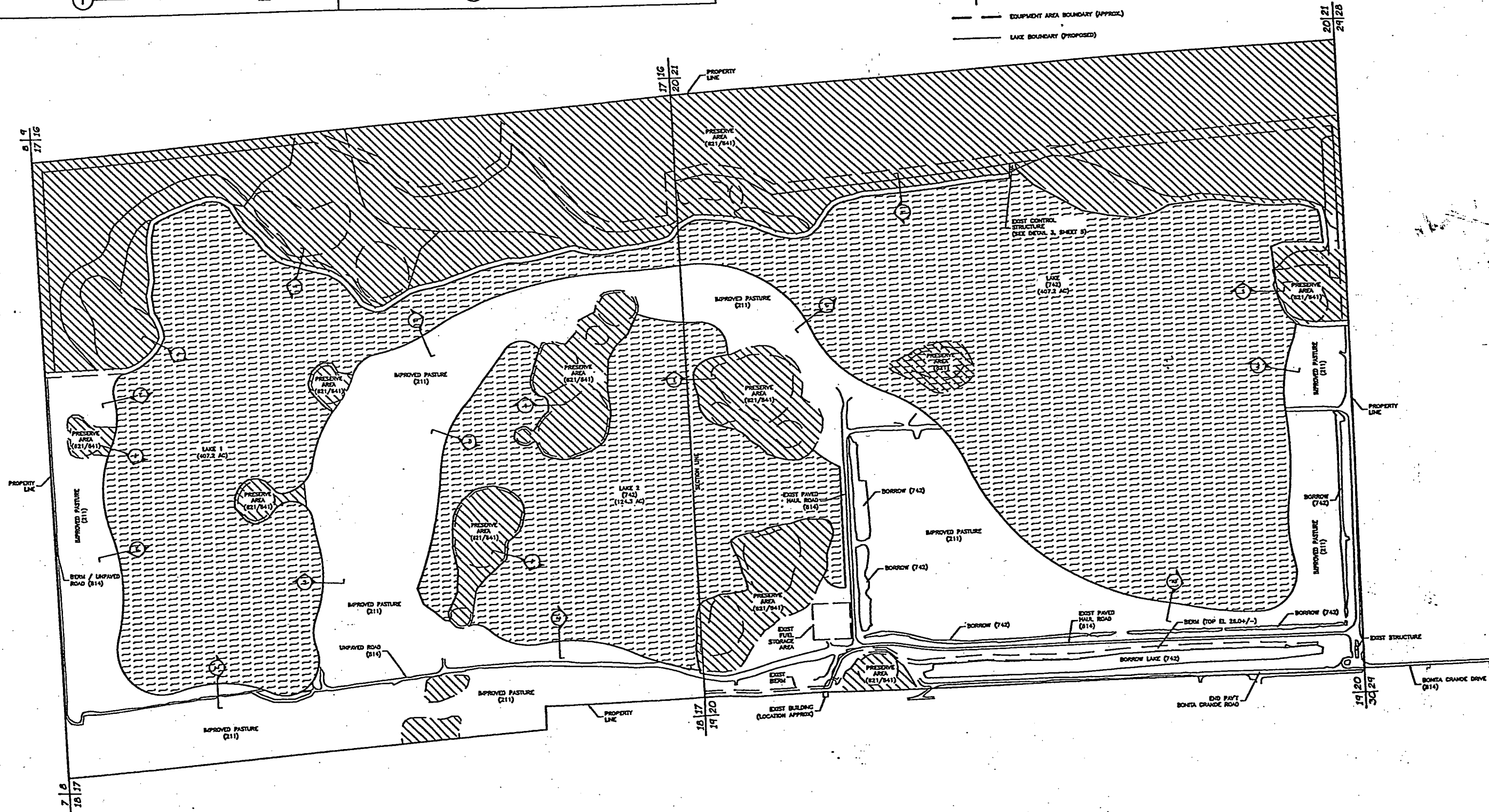
P. C. NO. 15332

4/22/2003

53 SCANNED



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NOT TO SCALE



POST-RECLAMATION PLAN

BONITA GRANDE SANDE, INC.
BONITA FARMS I & II
Bonita Springs, Florida

MORRIS - DEWE ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2118 Alameda Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • (941) 337-3994



FL. CA. NO. 6532

WILLIAM MORRIS, JR.
PE 55543

MCA PROJECT: 02026
DESIGNED BY: BM
DRAWN BY: LJO
DATE: 04/01/2003
SHEET: 6

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1999), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statute the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201

INITIATION OF PROCEEDINGS

(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
 - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
 - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Last Date for Governing Board Action:
April 12, 2001

Water Use Staff Review Summary

Application Number:

000726-11

Permit Number:

36-01023-W

Project Name:

BONITA GRANDE SAND COMPANY

Water Use Permit Status: EXPIRED/PREVIOUSLY PERMITTED

Environmental Resource Permit Status: PERMITTED (No. 36-00764-S)

Right Of Way Permit Status: NOT APPLICABLE

Location:

LEE COUNTY,

S17,20/T47S/R26E

Applicant's Name and Address: BONITA GRANDE SAND COMPANY

25501 BONITA GRANDE DRIVE
BONITA SPRINGS, FL 34135

Purpose:

The purpose of this application is to obtain a dewatering water use permit No. 36-01023-W for an expired/previously permitted mining operation. The mining operation is located within Lee County as depicted in Exhibit No. 2. The applicant is requesting a maximum daily allocation of 7.5 MG and an annual allocation of 2300 MG. There are 3 existing and 3 proposed surface water pumps to be used to dewater the proposed 64.8 acre mining pit.



Staff Recommendations

Date Of Issuance: April 12, - 2001
Permit Duration: 3.00 Years
Expiration Date: April 12, 2004
Water Use Classification: Dewatering
Sources: **Surface Water from:** On-site Borrow Pit(s)

Recommended Allocation:

Annual Allocation: 2,300 Million Gallons (MG)
Maximum Daily Allocation: 7.5 Million Gallons (MG)

Existing Withdrawal Facilities - Surface Water

Source: On-site Borrow Pit(s)
3 - 12" X 130 HP X 6000 GPM Submersible Pumps

Proposed Withdrawal Facilities - Surface Water

Source: On-site Borrow Pit(s)
2 - 12" X 125 HP X 5500 GPM Submersible Pumps
1 - 12" X 130 HP X 6000 GPM Submersible Pump

Rated Capacity

<u>Source</u>	<u>Status Code</u>	<u>GPM</u>	<u>MGD</u>	<u>MGM</u>	<u>MGY</u>
On-site Borrow Pit(s)	E	18,000	25.92	788.0	9,461
On-site Borrow Pit(s)	P	17,000	24.48	744.2	8,935
Totals:		35,000	50.40	1,532.2	18,396

Project Description

This application is to request an individual dewatering permit to allow for dewatering associated with a mining operation. The project site is located within Lee County. The proposed area to be dewatered is a 64.8 acre area located in the southwest corner of Section 20, Township 47 South, Range 26 East.

The applicant has estimated the duration of the dewatering operation to be 18 months. Staff recommends a permit duration of three years, which is the maximum duration allowable under District criteria for a dewatering permit (Chapter 40E-2.321, Florida Administrative Code), in order to ensure the successful completion of all lake construction and meet contingencies.

Backhoes will be used to remove the overburden during the dewatering operation. Draglines will be used to excavate the pit after the overburden has been removed. Based on information provided by the applicant, the Water Table contains an upper layer of unconsolidated sands and a lower layer of limestone. Land surface elevation in the project area is approximately +15 feet NGVD. The wet season water table elevations are estimated to be approximately +15 feet NGVD and the dry season water table elevations are estimated to be +11 to +12 feet NGVD. The maximum depth of dewatering will be -12 feet NGVD, or 27 feet below land surface (bls).

The 64.8 acre site has been divided into four cells that are each 16.2 acres in size. The dewatering effluent in each cell will be directed to infiltration canals along the boundary of the dewatered area which connect to the large lake on the east side of the property. The western boundary of Cells 1 and 3 and the southern boundary of Cells 3 and 4 will match that of the lake excavation area outlined in the surface water management permit. Dewatering activities will not take place outside of the lake excavation area. Work will generally be conducted 10 hours perday, 6 days a week, 52 weeks per year.

Pursuant to Limiting Condition No. 17, all dewatering water shall be retained on the project site. There shall be no off-site discharge of dewatering water.

Hydrologic Modeling

Modflow

The requested dewatering withdrawal for Bonita Grande Sand Company was evaluated using the ground water flow code ModFlow, developed by the United States Geological Survey (USGS), which simulates three-dimensional ground water flow. The model simulated has two layers, each representing a portion of the Water Table aquifer at the site. The design of the modeling layers was based on subsurface geotechnical information collected during the drilling of test borings at the site. Layer one represents the surficial sand layer and layer 2 represents the underlying limestone of the Water Table aquifer. The model grid has an irregular spacing that ranges from 20 feet along the perimeter of the proposed quarry to 6000 feet at the model border.

In order to calculate the maximum dewatering rate needed at the site and to estimate the potential for adverse impacts associated with dewatering and potential flooding, two modeling scenarios were simulated by the applicant.

Based on the results obtained in modeling scenario one, the rate at which water would need to be withdrawn from the quarry to maintain the -12 feet NGVD water level is approximately 2.5 MGD. However, the applicant is requesting a safety factor of 3 times, or 7.5 MGD. The safety factor takes into consideration the potential of rainfall occurring during the wet season.

The model evaluates the hydraulic impact of dewatering from the quarry under steady state conditions. The water withdrawn from the pit (7.5 MGD) was recharged into canals and other surface water bodies in the vicinity of the quarry. These water bodies include surrounding canals, the storage pond, the lake on the eastern side of the quarry, and the canal on the western side of the quarry. Drain cells within the quarry were used to represent the dewatering process.

Impact Assessments

Water Resource Availability

On-site Borrow Pit(s)

A maximum water level depth of 27 feet below land surface is being requested. Based on information obtained from the James M. Montgomery Consulting Engineers, Inc. Technical Report, entitled "Lee County Water Resources Management Project", the Water Table aquifer extends to a depth of 50 feet below land surface.

Based upon the proposed depth of dewatering, return flow to the aquifer and the results obtained from the previously discussed modeling effort, the sustained yields of the Water Table aquifer is not expected to be exceeded as a result of the withdrawal of proposed recommended allocation from the Water Table aquifer.

Existing Legal Users

On-site Borrow Pit(s)

The nearest existing legal user is Stoney's Enterprises (Permit No. 36-01212-W). This nearest existing legal user is permitted to withdraw irrigation water from 5 primary and 3 back-up Water Table aquifer wells in order to irrigate 320 acres of citrus. The nearest well is located adjacent to the Bonita Grande Sand mining operation. Based on the results obtained from the modeling effort, no additional drawdown is estimated to occur at this user within the Water Table aquifer as a result of the withdrawal of the recommended allocation.

The potential for adverse impacts to occur to existing legal users as a result of the withdrawal of the recommended allocation is considered to be minimal.

Legal Domestic Users

On-site Borrow Pit(s)

The location of the nearest domestic user of the Water Table aquifer is not known. For purposes of analysis, it is assumed that the nearest domestic well is located at the project boundary. The land surface in the project vicinity has an elevation of approximately +15 feet NGVD. Based on the modeling results, no additional drawdown is anticipated to occur at the property boundary as a result of the withdrawal of the recommended allocation. Consequently, the water level at the project boundary is expected to remain within 20 feet of land surface, which does not exceed the lifting capability of a centrifugal well pump.

The potential for adverse impacts to occur to existing legal domestic users as a result of the withdrawal of the recommended allocation is considered minimal.

Saline Water Intrusion

On-site Borrow Pit(s)

The project site is located 6 miles from the coast. No water quality data are available for the site however, the applicant has indicated that the Water Table aquifer in this area is known to contain fresh water. Based on water level monitoring well L 5746, located in Section 15, Township 47S, Range 25E, the average dry season water elevation in the Water Table is 10 feet NGVD. The applicant has estimated that dry season and wet season water levels are approximately 11 and 15 feet NGVD, respectively.

The potential for significant saline intrusion or upconing to occur as a result of the withdrawal of the recommended allocation is considered minimal.

Wetlands

On-site Borrow Pit(s)

There are on-site and off-site wetland areas located within the vicinity of the project site. These wetland areas are discussed in the staff report for the surface water management permit (Application No. 990122-13). The applicant has indicated that all discharge water is to be maintained on-site. Water is to be routed to maintain adequate water levels in the Water Table aquifer between the dewatering sites and wetland areas. Based on the modeling results, less than one foot of drawdown is estimated to occur as a result of the withdrawal of the recommended 7.5 MG maximum daily allocation. Details concerning the wetland monitoring program are discussed within the "Additional Information" section.

The potential for adverse impacts to occur to protected wetland environments as a result of the withdrawal of the recommended allocation is considered minimal.

Source Of Pollution

On-site Borrow Pit(s)

There are no known sources of pollution in the vicinity of the project site that are classified by the Department of Environmental Protection (DEP) as groundwater contamination sites. The potential for the induced movement of contaminants from known sources of pollution to occur as a result of the withdrawal of the recommended allocation is considered minimal.

Additional Information

Wetland Monitoring:

This project has an existing mitigation, monitoring and maintenance plan under Surface Water Management (SWM) Permit 36-00764-S. The original plan will remain in effect and provides for three monitoring stations along the eastern berm line and a staff gauge located adjacent to station No. 1. Rainfall is monitored weekly and staff gauges are read monthly. This plan was based on proposed restoration and preservation mitigation areas adjacent to Flint Pen Strand and external to the diked project area.

Based on the proposed dewatering, an additional monitoring station No. 4 will be provided in preserve area 18-22, including mitigation area K. An additional staff gauge will be provided at this station and in the adjacent lake. A shallow monitoring well will be installed just west of mitigation area K to measure the depth to the water table at the location during the dewatering operation. An estimate of the average monthly dewatering depth for the current excavation cell, along with monthly water elevation readings of the recharge lake, the mitigation/preservation area, and adjacent groundwater elevation will be maintained in addition to monitoring of the external wetland area. Monitoring at Station 4 will be conducted in accordance with the SWM guidelines and will be conducted annually for the duration of the dewatering phase of the project. Photographs and vegetative sampling will be conducted concurrently with the external program. A report will be filed annually and any corrective/remedial actions will also be summarized. A new report will be provided in June 2001. Subsequent monitoring reports will be provided annually in October contemporaneously with the off-site report.

Conditions of Issuance:

Pursuant to Limiting Condition No. 17, all dewatering water shall be retained on the Permittee's land. Off-site discharge of dewatering effluent shall not be made. Pursuant to Limiting Condition No. 24, prior to withdrawing water as authorized by this Permit, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s). Pursuant to Limiting Condition No. 25, every two years from the date of Permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility. Pursuant to Limiting Condition No. 26, monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly.

Additional Information

Maximum Depth of Dewatering and Maximum Depth of Excavation:

The maximum depth of dewatering and excavation will be -12 feet NGVD, or 27 feet below land surface (bls). No off-site discharge is permitted.

Recommendations

Application Number: 000726-11


Permit Number: 36-01023-W

Date Of Issuance: April 12, 2001


Recommendations:

Staff recommends approval of a water use permit for dewatering water supply. Withdrawals are from on-site borrow pit(s) via three existing withdrawal facilities and three proposed withdrawal facilities. The use is reasonable-beneficial, will not adversely impact presently existing legal users and is consistent with the public interest. The use is further subject to 30 limiting conditions.

Application Reviewer:

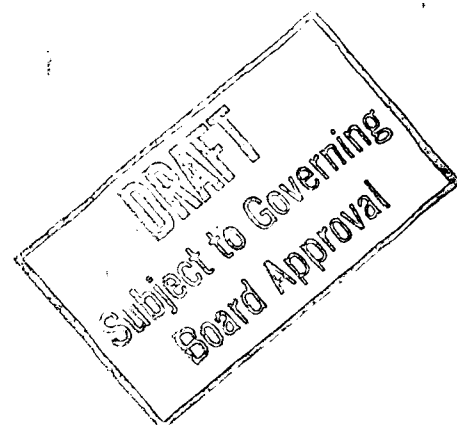
 Date: 3/23/01
Jeffery Scott

Supervisor:

 Date: 3/28/01
Rick F. Bower, P.G.

Water Use Department:

Jeffy Randolph Date: 4/3/01
for Wm. Scott Burns, P.G.



Limiting Conditions

1. This permit shall expire on April 12, 2004.
2. Application for a permit modification may be made at any time.
3. Water use classification:

Dewatering water supply

4. Source classification:

Surface Water from:
On-site Borrow Pit(s)

5. Annual allocation shall not exceed 2300 MG.

Maximum daily allocation shall not exceed 7.5 MG.

6. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.

7. Withdrawal Facilities:

Surface Water - Existing:

3 - 12" x 130 HP X 6000 GPM Submersible Pumps

Surface Water - Proposed:

1 - 12" x 130 HP X 6000 GPM Submersible Pump
2 - 12" x 125 HP X 5500 GPM Submersible Pumps

8. Permittee shall mitigate any adverse impacts to existing legal uses as a consequence of withdrawals permitted herein. When adverse impacts occur, or is imminent, the District reserves the right to curtail withdrawal rates. Adverse impacts are:

A) reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce water by 10% or greater,
B) significant reduction in levels in an adjacent water body, such as a lake, pond, or a canal system, that impairs the ability to produce water by 10% or greater,
C) saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in a significant reduction in water quality, and
D) change in water quality caused by the permittee that results in significant impairment or loss of use of a well or water body.

9. Permittee shall mitigate any adverse impact to existing off-site land use as a consequence of withdrawals permitted herein. If increased withdrawals cause an adverse impact on existing land use, the District reserves the right to curtail future withdrawal rates. Adverse impacts are:

A) significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the water body is impaired,
B) land collapse or subsidence caused by reduction in water levels; and
C) damage to crops and other types of vegetation.

10. If adverse impacts occur to natural resources as a result of the Permittee's water withdrawals, the Permittee shall mitigate for such impacts. When adverse impacts occur, or are imminent, District reserves the right to curtail withdrawal rates. Examples of adverse impacts are:

Limiting Conditions

- A) reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface,
 - B) reduction in water levels that adversely impact the hydroperiod of protected wetland environments,
 - C) significant reduction in water levels or hydroperiod in a naturally-occurring water body such as a lake or pond,
 - D) induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality, and
 - E) significant damage to the natural system including damage to habitat for rare or endangered species.
11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.
 12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
 13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
 14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
 15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist - Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.
 16. The Permittee is advised that this Permit does not relieve the Permittee of complying with all county, state, and federal regulations governing these operations, maintenance, and reclamation of the borrow pit.
 17. All dewatering water shall be retained on the Permittee's land. Off-site discharge of dewatering effluent shall not be made.
 18. The excavation shall be constructed using sound engineering practice. If the excavation endangers the properties of adjacent owners through erosion, side wall collapse, etc., the Permittee shall cease operation upon notification by the District until a method to prevent such occurrences is found and instituted.
 19. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.
 20. Permittee shall be responsible for clearing shoaling if the Permittee's dewatering operation creates shoaling in adjacent water bodies.
 21. Permittee shall comply with turbidity and general water quality standards for surface discharge into receiving streams, as established by Chapter 62-302, Florida Administrative Code.
 22. Permittee shall not lower the water table below the following depths:
 - 12 Feet NGVD or 27 Feet below land surface
 23. A copy of the permit, its limiting conditions, and dewatering plan is required to be kept on site at all times during dewatering operations by the lead contractor or site manager.
 24. Prior to withdrawing water as authorized by this Permit, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications.
 25. Every two years from the date of Permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-

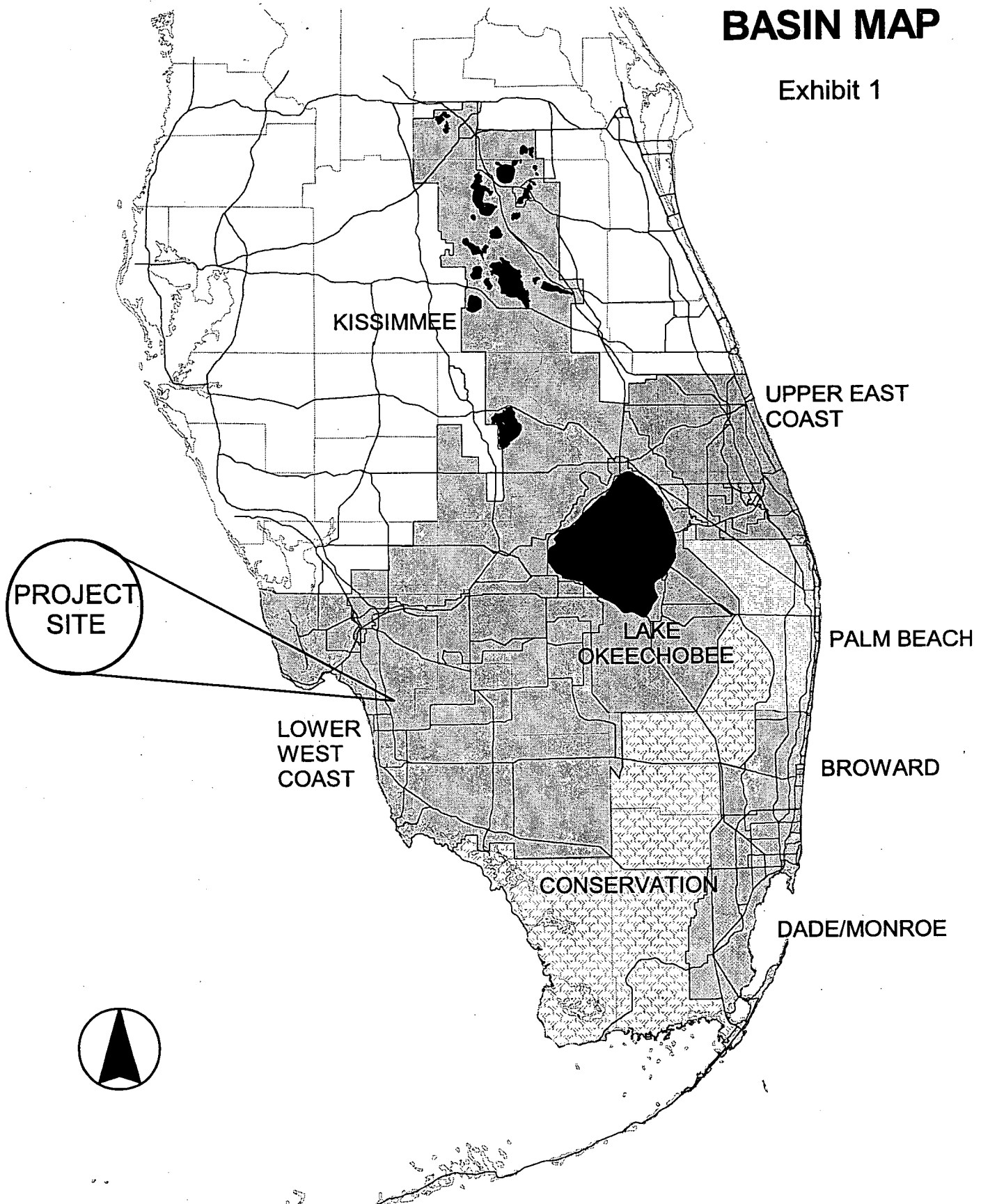
Limiting Conditions

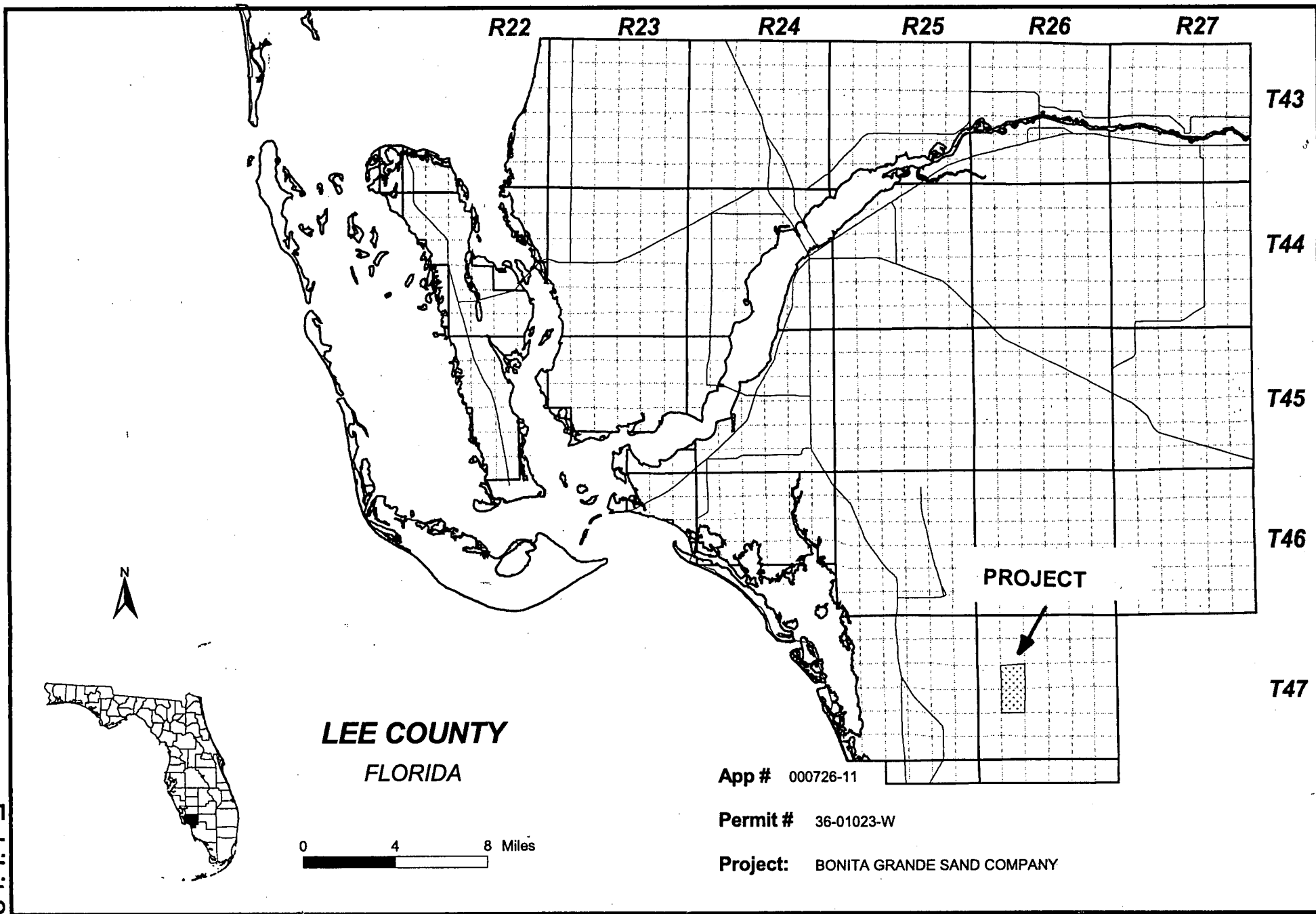
calibration.

26. Monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report.
27. The Permittee shall implement the monitoring program described in the District staff report prepared in support of recommendation for permit issuance.
28. The Permittee shall conduct dewatering activities in adherence to the following operating plan:
The dewatering effluent in each cell will be directed to infiltration canals along the boundary of the dewatered area which connect to the large lake on the east side of the property. Dewatering activities will not take place outside of the lake excavation area.
29. Prior to initial dewatering, the Permittee shall contact the District to allow for a site visit to verify:
 - A) The water use accounting method used by the contractor and receive results of calibration testing of the identified method.
 - B) The location and design of the recharge trenches and on-site retention areas where dewatering water will be retained.
 - C) The location of monitoring facilities, and
 - D) Other appropriate site-specific issues related to the protection of the resource or other existing legal users.A site visit can be scheduled by contacting:
South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Blvd, Fort Myers, phone (941) 338-2929 or 1-800-248-1201.
30. Within 30 days of completion of the dewatering operation, the temporary recharge ditches shall be filled and regraded to natural ground elevation, or an elevation approved in the Environmental Resource Permit.

BASIN MAP

Exhibit 1









PROPERTY
BOUNDARY

Limit of
Excavation Area

KEY

-  Canal/Infiltration Trench
-  Road
-  Preserve/Mitigation Areas
-  Direction water is to be discharged.

Water will be discharged from the pit to the canal surrounding the quarry and into the large lake to the east of the quarry.

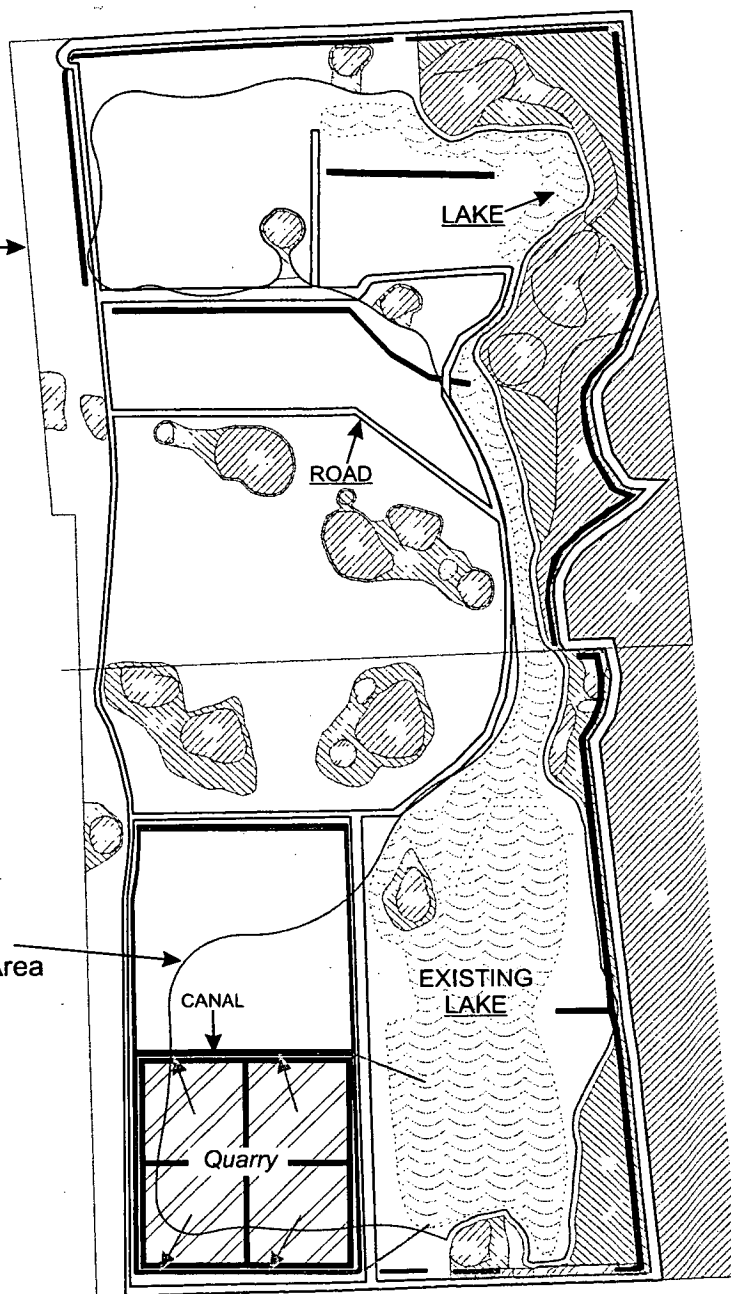
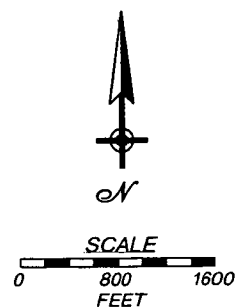
Please Note: Road, ditch, and lake locations are approximate. The active nature of the mining operation results in constant changes to the property.



Pr. Name: BONITA GRANDE SAND CO.
Pr. No. FH00-1153 Date: 3/1/01
DWG No. SITEMAP1 Rev. No.

GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 4. SITE MAP SHOWING THE CANAL AND LAKE SYSTEM AND THE ROUTING OF WATER GENERATED DURING DEWATERING.



EXHIBIT

3

TABLE - B

Description Of Surface Water Pumps

Application Number: 000726-11

Pump ID	105227	105229	105230	105231	105232	105233
Name	1	2	3	4	5	6
Map Designator Facility Group						
Existing/Proposed Pump Type	E Submersible	E Submersible	E Submersible	P Submersible	P Submersible	P Submersible
Diameter(Inches)	12	12	12	12	12	12
Pump Capacity(GPM)	6,000	6,000	6,000	5,500	5,500	6,000
Pump Horse Power	130	130	130	125	125	130
Two Way Pump ?	N	N	N	N	N	N
Elevation (ft. NGVD)	-12	-12	-12	-12	-12	-12
Planar Location						
Source						
Feet East	415262	415262	415262	415262	415262	415262
Feet North	741344	741344	741344	741344	741344	741344
Accounting Method Use Status	Flow Meter Primary	Flow Meter Primary	Flow Meter Primary	Flow Meter Primary	Flow Meter Primary	Flow Meter Primary
Water Use Type	Mining / Dewatering	Mining / Dewatering	Mining / Dewatering	Mining / Dewatering	Mining / Dewatering	Mining / Dewatering
Surface Water Body	On-site Borrow Pit(s)	On-site Borrow Pit(s)	On-site Borrow Pit(s)	On-site Borrow Pit(s)	On-site Borrow Pit(s)	On-site Borrow Pit(s)

Exhibit No: 4

Modeling Scenario Description

Project Name: BONITA GRANDE SAND COMPANY Application Number: 000726-11

Version: 1.0 Scenario: 1

Model Name: Modflow Model Type: Numerical

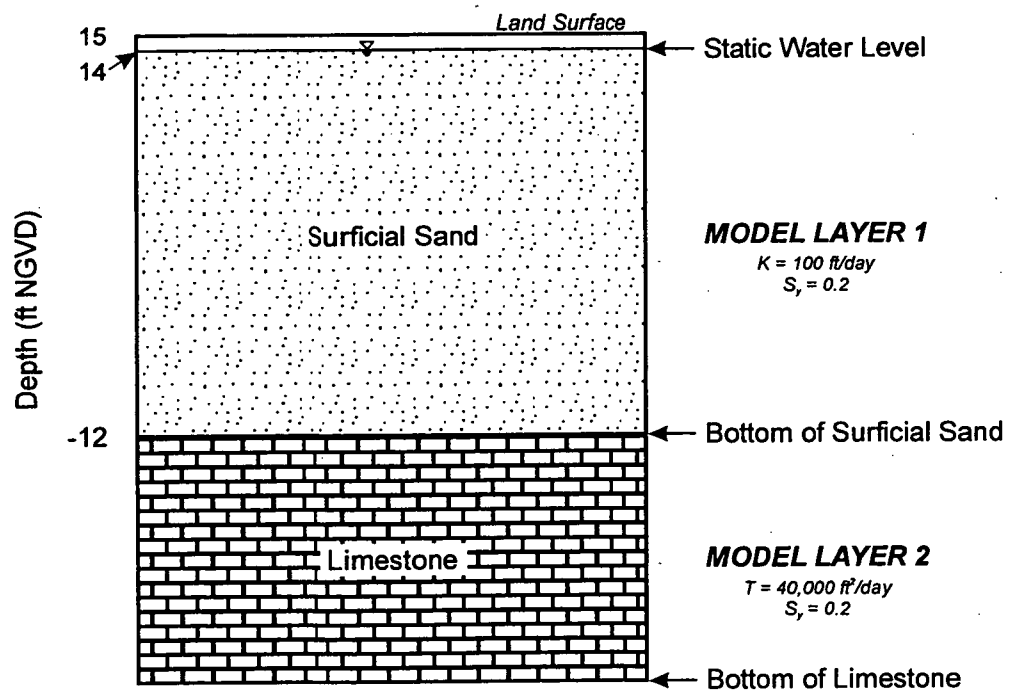
Comments:

Input Parameters

Dataset Name	Value	Unit	Comments
Thickness (Layer 1)	27	Feet	
Storativity (Layer 1)	.2	Dimensionless	
Vcont (Layer 1 to 2)	.01	1/Day	
Thickness (Layer 2)		Feet	
Hydraulic Conductivity (Layer 2)	40000 Trans	Feet/Day	
Storativity (Layer 2)	.2	Dimensionless	
Vcont (Layer 2 to 3)		1/Day	
Thickness (Layer 3)		Feet	
Hydraulic Conductivity (Layer 3)		Feet/Day	
Storativity (Layer 3)		Dimensionless	
Maximum ET Rate		Feet/Day	
ET Surface		Feet	
ET Extinction Depth		Feet	
Recharge Rate		Feet/Day	
Number of Rows		Number	
Number of Columns		Number	
Number of Stress Periods		Number	
Duration of Each Stress Period		Days	
Number of Time Steps per Stress Period		Number	
Time-Step Multiplier		Number	
Hydraulic Conductivity (Layer 1)	100	Feet/Day	

Withdrawals

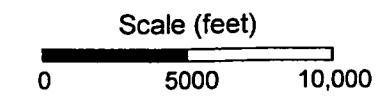
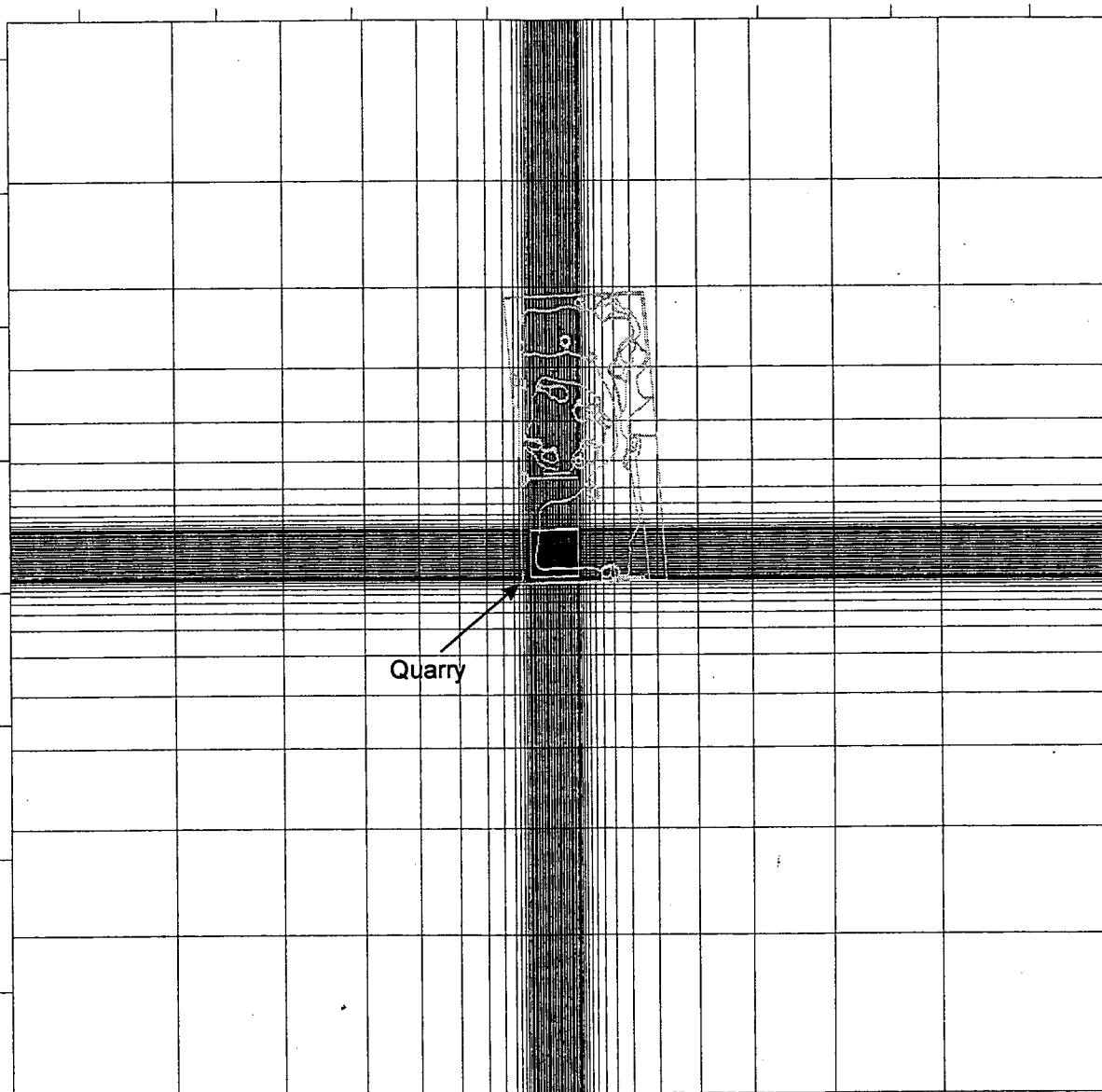
Source	Type	Facility ID	Name	Type	East (feet)	North (feet)	Withdrawn (gpd)	Comments
On-Site Borrow Pit(S)	SW	105227	1	Pump	415262	741344	0	
On-Site Borrow Pit(S)	SW	105229	2	Pump	415262	741344	0	
On-Site Borrow Pit(S)	SW	105230	3	Pump	415262	741344	0	
On-Site Borrow Pit(S)	SW	105231	4	Pump	415262	741344	0	
On-Site Borrow Pit(S)	SW	105232	5	Pump	415262	741344	0	
On-Site Borrow Pit(S)	SW	105233	6	Pump	415262	741344	0	



Pr. Name: BONITA GRANDE SAND CO.		
Pr. No. FH00-1153	Date: 1/10/01	
DWG No. LAYERS.CDR	Rev. No.	

GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 2. SCHEMATIC DIAGRAM SHOWING MODEL LAYERS (NOT TO SCALE).



Pr. Name: BONITA GRANDE SAND CO.	
Pr. No. FH00-1153	Date: 1/2/01
DWG No. MESH.CDR	Rev. No.

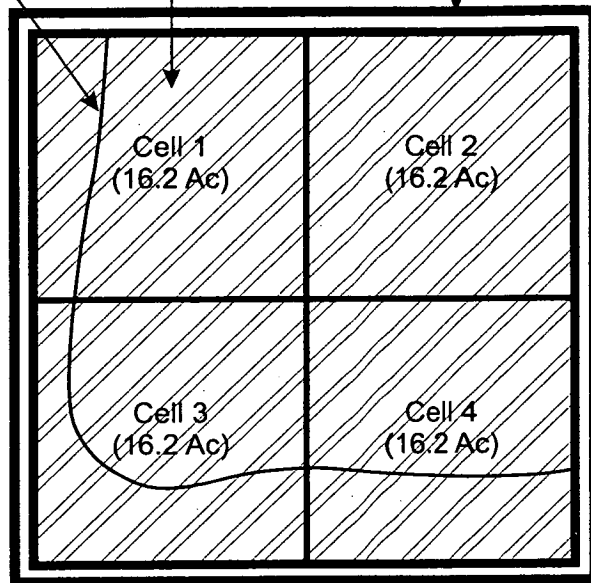
GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 3. SITE LOCATION AND MODEL GRID.

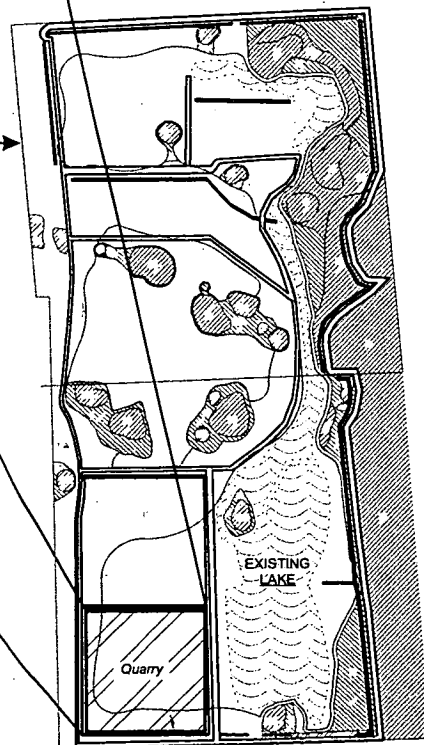
Limit of
Excavation Area

Construction
Cell

Canal



PROPERTY
BOUNDARY



KEY

— Canal/Infiltration Trench

— Road

▨ Preserve/Mitigation Areas



Pr. Name: BONITA GRANDE SAND CO.

Pr. No. FH00-1153

Date: 3/1/01

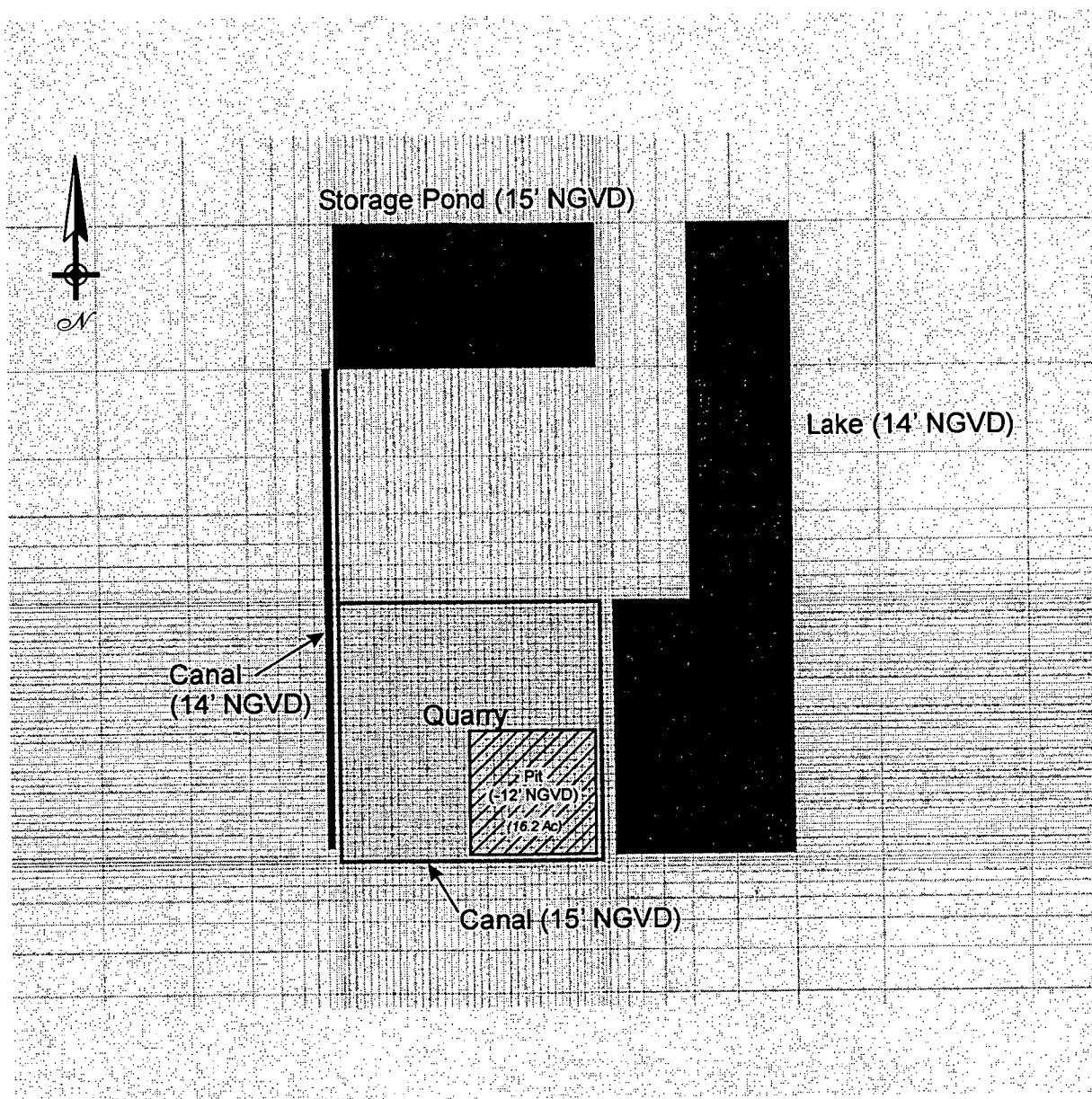
DWG No. SITEMAP1

Rev. No.

GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 1. SITE MAP SHOWING CONSTRUCTION CELLS AND TRANSVEYANCE DITCHES.

EXHIBIT



KEY

- Surface Water Body with Constant Head
- Quarry (64.8 acres)

Scale
0 1500
(feet)



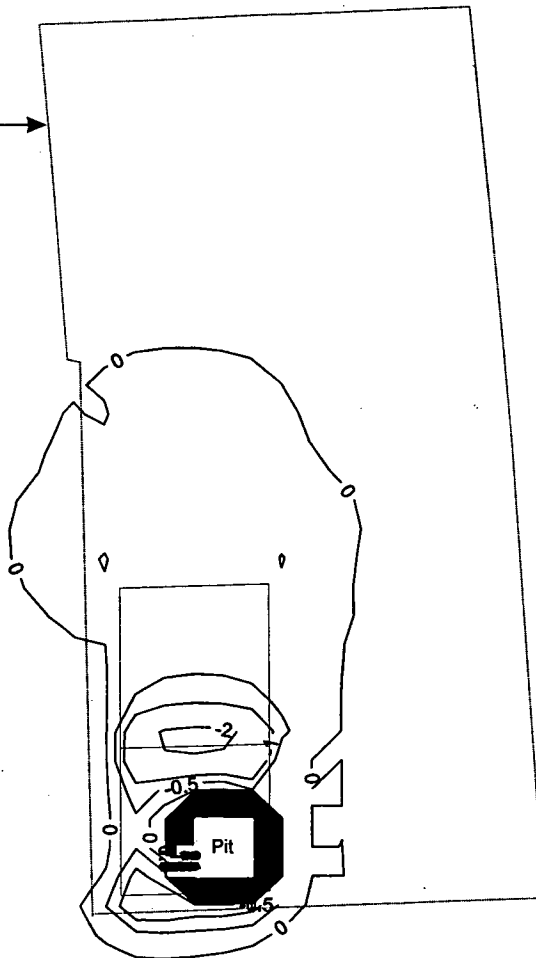
Pr. Name: BONITA GRANDE SAND CO.
Pr. No. FH00-1153 Date: 1/9/01
DWG No. BC.CDR Rev. No.

GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 5. LOCATION OF SURFACE WATER BODIES IN THE VICINITY OF THE QUARRY. ALSO INCLUDED ARE THE STARTING HEADS USED FOR MODEL SCENARIO 1 (PUMPAGE CALCULATIONS).

EXHIBIT

Property Boundary →



KEY

— 0 — Change in Head (ft)



SCALE

0 2300
Feet



Pr. Name: BONITA GRANDE SAND CO

Pr. No. FH00-1153

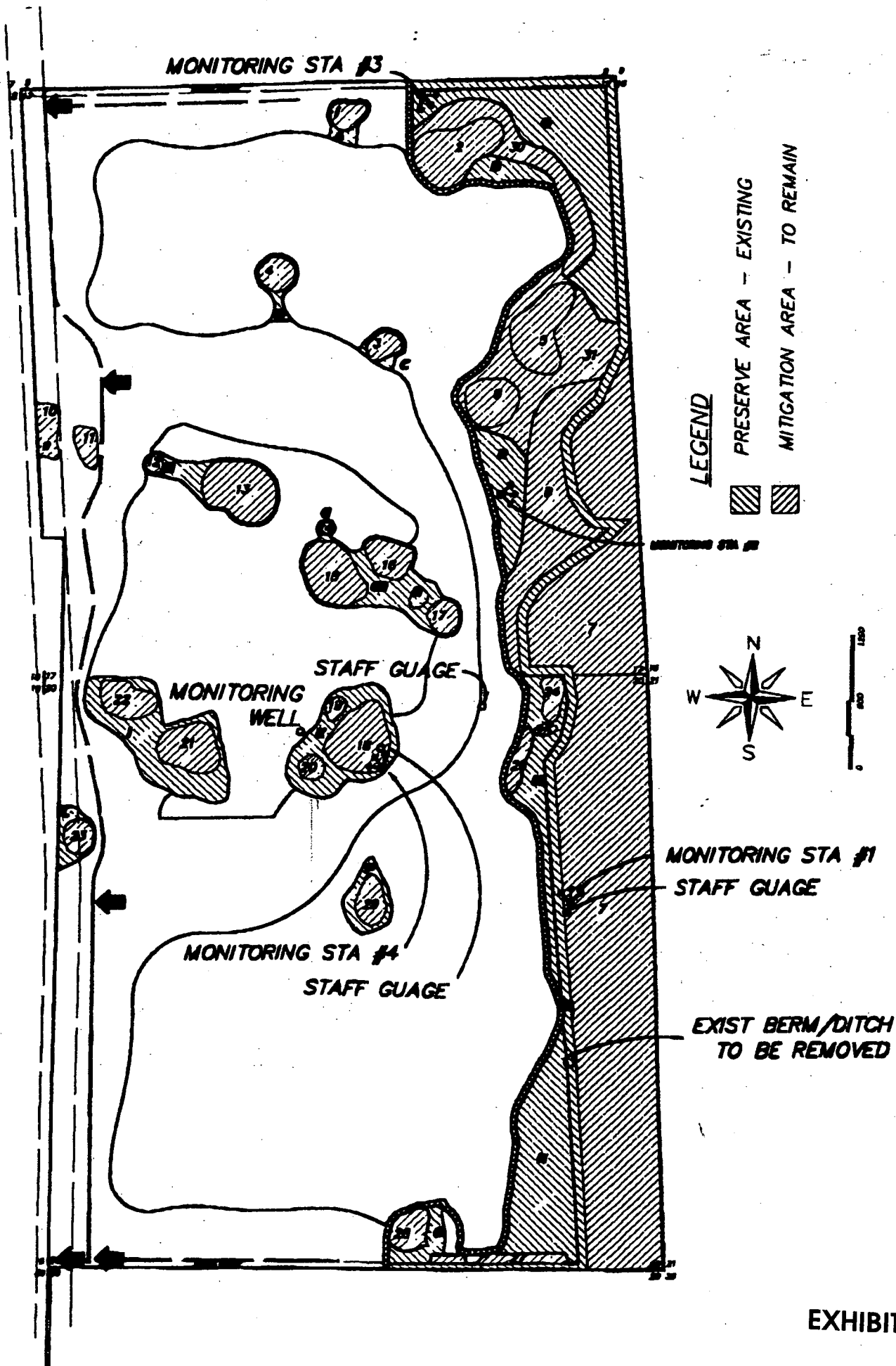
Date: 1/10/01

DWG No. DD1_75

Rev. No.

GROUNDWATER
AND
ENVIRONMENTAL SERVICES

FIGURE 6. MODEL CALCULATED CHANGE IN HEAD (FT) FOR ONE QUARTER SECTION OF THE MINING OPERATION UNDER STEADY STATE CONDITIONS. 7.5 MGD IS ADDED BACK TO THE SURROUNDING SURFACE WATER BODIES.



BONITA FARMS I AND II

STAFF REPORT DISTRIBUTION LIST

PROJECT: BONITA GRANDE SAND COMPANY
APPLICANT: BONITA GRANDE SAND COMPANY

APPLICATION NO. 000726-11
PERMIT NO. 36-01023-W

INTERNAL DISTRIBUTION

Reviewer:

X Jeffery Scott

- X R. Mireau
 - A. Waterhouse - REG
 - L. Werst - FTM
 - Director, Big Cypress Basin
- X WU Compliance - Lori Burke
- X Well Construction Permitting
- X Office of Counsel
- X Permit File

GOVERNING BOARD MEMBERS

Ms. Pamela Brooks-Thomas
Mr. Michael Collins
Mr. Hugh English
Mr. Gerardo B. Fernandez
Dr. Patrick J. Gleason
Mr. Nicolas Gutierrez
Mr. Lennart Lindahl
Mr. Harkley R. Thornton
Ms. Trudi K. Williams

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Applicant's Agent:
MISSIMER INTERNATIONAL INC

X Engineer, County of:
Lee

X Engineer, County of:
Lee

Engineer, City of:

Engineer, City of:

Local Drainage District:

Local Drainage District:

Building Dept., County of:

Building Dept., County of:

Building Dept., City of:

Building Dept., City of:

COUNTY

- X Lee -Codes & Building Services
- Dept of Environmental Protection
- Development & Review
- Environmental Sciences
- Henry J. McCoy, Hydrogeologist
- Mosquito Control

BUILDING AND ZONING

OTHER

- X Clara Anne Graham-Elliott
- X Div of Recreation and Park - District 8
- X Florida Fish & Wildlife Conservation Commission
- X Lee County HRS
- X Lee County Regional Water Supply Authority
- X Mr. Ed Carlson, Mgr., Nat. Audubon Soc.
- X Nancy Anne Payton
- X S.W.F.R.P.C. - Glenn Heath
- X Utilities Division



South Florida Water
Management District
3301 Gun Club Road
P.O. Box 24680
West Palm Beach, Florida 33416-4680
Division 4240

Handwritten initials

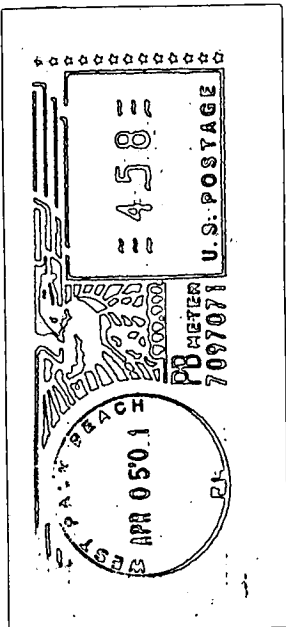
5/01/01

Called

*lw
4-11
4-16
4-25*

*Atnd
4/30/01*

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE



Bonita Grande Sand Company
25501 Bonita Grande Drive
Bonita Springs, FL 34135

CLAIMED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bonita Grande Sand Company
25501 Bonita Grande Drive
Bonita Springs, FL 34135

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☒ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☐ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number (Copy from service label)

7000 0600 0025 9428 2636

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

SCANNED

SCANNED